

REMARKS

Claim Amendments

Claim 1 is amended herein.

In the Specification

Applicant has amended Paragraph [0021] of the Present Application, changing the reference “United States Patent Application Serial No. (Attorney Docket No. 10008080-1)” to state “United States Patent Application Serial No. 09/990,005, titled “IMAGING DEVICE CONFIGURATION AND UPGRADE”, filed on November 21, 2001”. Applicant contends that no new matter has been added by this correction. Applicant therefore respectfully requests that the Examiner approve the amendment to the specification.

Claim Objections

Claim 1 is objected to because of a minor informality: the word “to” presumably belongs before the phrase “a first imaging device” in lines 2-3.

Applicant has amended claim 1 to address the objection and to insert the missing “to” that was inadvertently deleted from the previous amendment to claim 1. As such, the Applicant therefore respectfully requests that the objection to claim 1 be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-11 and 13-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Danknick (U.S. Patent No. 6,021,429). Applicant respectfully traverses this rejection and submits that claims 1-11 and 13-20, as amended, are allowable for the following reasons.

The Examiner stated in the Response to Arguments on Pages 2-3 of the Final Office Action mailed November 16, 2006, in response to Applicant’s argument that Danknick teaches a standalone program used by the network administrator and not an embedded webserver, that “[t]he broadest reasonable interpretation of an “embedded webserver” is any component that (1) is embedded within any other component and (2) serves information over a network.” The Examiner maintained that Danknick so discloses such a webserver at column 8, lines 29-64,

where it discloses “that the CPSOCKET (1) is embedded within the NEB and (2) serves information over the LAN” and that “[t]herefore, the CPSOCKET is an embedded webserver as claimed.”

The Examiner also stated in the Response to Arguments on Page 3 of the Final Office Action mailed November 16, 2006, in response to Applicant’s argument that Danknick does not teach an imaging device adapted to communicate a list of other imaging device network addresses through a network interface to an imaging device management facility upon request, that “Danknick discloses that ‘the network administrator can remotely access the list of device addresses in [the] NEB’ (column 8, lines 45-47)” and that thus the network administrator's remote computer is a management facility as claimed.

Applicant respectfully disagrees with the Examiner’s assessment of Danknick and the limitations of the pending claims. Applicant respectfully maintains that the Examiner is impermissibly reading an overly broad interpretation of the claims, as amended, that is contrary to the definitions of the terms and limitations of the claims in the Specification. In addition, Applicant respectfully maintains that the Examiner’s interpretation is also contrary to the interpretation that would be given these terms by one skilled in the art.

Applicant respectfully contends that one skilled in the art would not interpret “an embedded webserver” as simply being “any component that (1) is embedded within any other component and (2) serves information over a network,” but a specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol. Applicant also respectfully maintains that the claims, as currently amended, specifically covers the embodiment of an imaging device having an embedded webserver and network interface, wherein the imaging device internally stores a list of network addresses of other imaging devices.

Applicant understands that the Examiner is entitled to read the claims as broadly as possible. However, as stated by MPEP §2111, this reading must be done to give the pending claims their “broadest reasonable interpretation consistent with the specification,” and that “[t]he

broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” In addition, as stated in MPEP §2111.01, “the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification,” and that “[a]n applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s).”

Specifically, Applicant respectfully contends, “imaging devices similar to the imaging device” are described, at least, by Paragraph [0022] of the present Specification, that states “[s]imilar imaging devices, for the purposes of this disclosure, are defined as imaging devices similar with regard to manufacturer, imaging device type, or features.” In addition, Applicant maintains that an imaging device with a print engine is described, at least, by Paragraph [0002] of the present Specification, that states “[i]maging devices typically produce either a hard or soft copy of any particular imaging job the device is given using an appropriate image generator. If the imaging device produces a hard copy, its image generator is often referred to as a print engine, which produces a hard copy on the appropriate print media.” *See*, Specification of the Present Application, Paragraph [0002], Line 10-14 and Paragraph [0022], Lines 13-15.

Applicant thus contends that relevant features and terms of the claims are therefore described in the specification and definite and, as such, do not support the overly broad interpretation of these terms and the claims as maintained by the Examiner.

Applicant thus continues to respectfully maintain that Danknick discloses a network device that discovers and stores a list of all networked devices on a local area network and does not teach or disclose an imaging device that an imaging device that stores a list of other imaging device network addresses and communicates the list of other imaging device network addresses through a network interface to an imaging device management facility. Applicant further maintains that Danknick does not disclose an embedded webserver at Column 8, Lines 29-65,

but a standalone program used by the network administrator. *See*, Danknick, Figures 1-2, and 5A-5B; Abstract; Column 7, line 25 to Column 8, line 65. Applicant therefore respectfully submits that Danknick fails to teach or disclose all elements of the Applicant's claimed invention.

Applicant's claim 1, as amended, recites "[a]n imaging device comprising: an image generator, wherein the image generator is a print engine internal a first imaging device; a network interface, wherein the network interface is adapted to couple the first imaging device to a network; and a controller coupled to the network interface and the image generator, wherein the controller is internal to the first imaging device and is adapted to store a list of other imaging device network addresses; wherein the controller is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request." As detailed above, Applicant submits that Danknick fails to teach or disclose such an imaging device that is adapted to store a list of other imaging device network addresses that is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request. As such, Danknick fails to teach or disclose all elements of claim 1.

Applicant's claim 13 recites "[a] computer-usable medium having computer readable instructions stored thereon for execution by a processor of an imaging device to perform a method comprising: determining a list of network addresses for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device; communicating with the other similar imaging devices by referring to the list of network addresses for the other imaging devices; and communicating the list of other imaging device network addresses through a network interface to an imaging device management facility." As detailed above, Applicant submits that Danknick fails to teach or disclose such a computer-usable medium and method for execution by a processor of an imaging device to store a list of other similar imaging device network addresses and communicate the list of other imaging device network addresses through a network interface

to an imaging device management facility. As such, Danknick fails to teach or disclose all elements of claim 13.

Applicant's claim 15 recites "[a] method of operating an imaging device, the method comprising: determining a list of network addresses for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device; referring to the list of network addresses of other imaging devices for communication between imaging devices; and communicating the list of other imaging device network addresses through a network interface to an imaging device management facility." As detailed above, Applicant submits that Danknick fails to teach or disclose such a method of operating an imaging device that determines and stores a list of other similar imaging device network addresses and communicates the list of other imaging device network addresses through a network interface to an imaging device management facility. As such, Danknick fails to teach or disclose all elements of claim 15.

Applicant respectfully contends that claims 1, 13 and 15, as pending, has been shown to be patentably distinct from the cited reference. As claims 2-11, 14 and 16-20 depend from and further define claims 1, 13 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claims 1-11 and 13-20.


CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No.08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

Date: 16 Jan 2007



Daniel J. Polglaze
Reg. No. 39,801

Attorneys for Applicant
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Rd.
Fort Collins, CO 80527-2400